

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHERYL WHITE-GRIER,

Plaintiff,

- against -

THE DEPARTMENT OF EDUCATION OF THE
CITY OF NEW YORK,

Defendant.

JOHN G. KOELTL, District Judge:

11 Civ. 8142 (JGK)

MEMORANDUM OPINION AND
ORDER

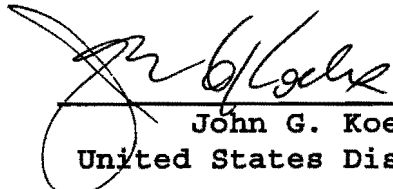
The Court has received the attached correspondence from the plaintiff, which it forwards to the parties. The plaintiff requests that the Court appoint pro bono counsel in her case. However, the Court cannot determine whether the necessary showing for appointment of counsel has been met. The Court of Appeals for the Second Circuit has articulated factors that should guide the Court's discretion to appoint counsel to represent an indigent civil litigant under 28 U.S.C. § 1915. See Hodge v. Police Officers, 802 F.2d 58, 61-62 (2d Cir. 1986); Jackson v. Moscicki, No. 99 Civ. 2427 (JGK), 2000 WL 511642, at *4 (S.D.N.Y. Apr. 27, 2000). For the Court to order the appointment of counsel, the petitioner must, as a threshold matter, demonstrate that her claim has substance or a likelihood of success on the merits. See Hodge, 802 F.2d at 60-61. Only then can the Court consider the other factors appropriate to determination of whether counsel should be appointed: "plaintiff's ability to obtain representation independently, and

her ability to handle the case without assistance in the light of the required factual investigation, the complexity of the legal issues, and the need for expertly conducted cross-examination to test veracity." Cooper v. A. Sargenti Co., Inc., 877 F.2d 170, 172 (2d Cir. 1989). The plaintiff has not yet made such a showing. The plaintiff's application for the Court to appoint counsel is therefore **denied without prejudice** for failure to make the required showing at this time.

The sixty-day stay imposed by the Court's Order of April 17, 2012 has now expired. The plaintiff informs the Court that she is now proceeding pro se. The plaintiff should advise the Pro Se Office of her address and a phone number at which she can be reached, so that papers can be served directly on her.

SO ORDERED.

Dated: New York, New York
June 19, 2012



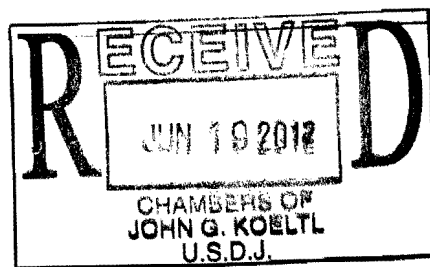
John G. Koeltl
United States District Judge

6/15/12

To: Justice Koetl (Fax) 212-505-7912
500 Pearl St. Part 12B

From: Cheryl White Grier (Fax) 347 286-0166

- I have attached documents requesting an attorney
- I am notifying you that I have to represent myself.
- I have attached documents rev'ing Affirmation of Service.
- I have attached a list of attorney resources
- I have contacted to no avail.
- Corporation Counsel has received a copy of these same documents.



Total 12 pages

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHERYL WHITE-GRIER

(In the space above enter the full name(s) of the plaintiff(s)/petitioner(s).)

1-11 Civ. 8142 (JGK) ()

- against -

THE DEPARTMENT OF EDUCATION OF THE CITY OF NEW YORK a/k/a

THE SCHOOL DISTRICT OF THE CITY OF NEW YORK

AFFIRMATION OF SERVICE

(In the space above enter the full name(s) of the defendant(s)/respondent(s).)

I, CHERYL WHITE-GRIER, declare under penalty of perjury that I have
(name)

served a copy of the attached NOTICE OF APPEARANCE

(document you are serving)

upon CORPORATION COUNSEL OF THE CITY OF NEW YORK whose address is 100 CHURCH STREET
(name of person served)

100 CHURCH STREET NEW YORK, NEW YORK 10007

(where you served document)

by PERSONAL DELIVERY

(how you served document; For example - personal delivery, mail, overnight express, etc.)

Dated: NEW YORK, NY
(town/city) (state)
JUNE 18, 2012
(month) (day) (year)

Cheryl White-Grier
Signature

765 FOREST AVENUE SUITE 9
Address

STATEN ISLAND, NEW YORK
City, State

10310

Zip Code

917-379-2802

Telephone Number

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHERYL WHITE-GRIER

(In the space above enter the full name(s) of the plaintiff(s)/petitioner(s).)

1:11 Civ. 8142 (JGK) ()

- against -

THE DEPARTMENT OF EDUCATION OF THE CITY OF NEW YORK a/k/a
THE SCHOOL DISTRICT OF THE CITY OF NEW YORK

AFFIRMATION OF SERVICE

(In the space above enter the full name(s) of the defendant(s)/respondent(s).)

I, CHERYL WHITE-GRIER, declare under penalty of perjury that I have
(name)

served a copy of the attached APPLICATION FOR THE COURT TO REQUEST PRO BONO COUNSEL
(document you are serving)

upon CORPORATION COUNSEL OF THE CITY OF NEW YORK whose address is 100 CHURCH STREET
(name of person served)

100 CHURCH STREET NEW YORK, NEW YORK 10007

(where you served document)

by PERSONAL DELIVERY

(how you served document: For example - personal delivery, mail, overnight express, etc.)

Dated: NEW YORK, NY
(town/city) (state)
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHERYL WHITE-GRIER

(In the space above enter the full name(s) of the plaintiff(s)/petitioner(s).)

1:11 Civ. 8142 (JGK) ()

- against -

THE DEPARTMENT OF EDUCATION OF THE CITY OF NEW YORK a/k/a
THE SCHOOL DISTRICT OF THE CITY OF NEW YORK

AFFIRMATION OF SERVICE

(In the space above enter the full name(s) of the defendant(s)/respondent(s).)

I, CHERYL WHITE-GRIER, declare under penalty of perjury that I have
(name)

served a copy of the attached Application for the Court to Request Counsel Pursuant to 18 USC SEC. 3006A(g)
(document you are serving)

upon CORPORATION COUNSEL OF THE CITY OF NEW YORK whose address is 100 CHURCH STREET
(name of person served)

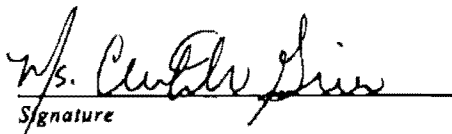
100 CHURCH STREET NEW YORK, NEW YORK 10007

(where you served document)

by PERSONAL DELIVERY

(how you served document: For example - personal delivery, mail, overnight express, etc.)

Dated: NEW YORK, NY
(town/city) (state)
JUNE 18, 2012
(month) (day) (year)


Signature
765 FOREST AVENUE SUITE 9
Address
STATEN ISLAND, NEW YORK
City, State
10310
Zip Code
917-379-2802
Telephone Number

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHERYL WHITE-GRIER

(In the space above enter the full name(s) of the
plaintiff(s)/petitioner(s).)

1:11 Civ. 8142 (JGK) ()

-against-

THE DEPARTMENT OF EDUCATION OF THE CITY OF NEW YORK, a/k/a

THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK

**APPLICATION FOR THE
COURT TO REQUEST
PRO BONO COUNSEL**

(In the space above enter the full name(s) of the
defendant(s)/respondent(s).)

I, CHERYL WHITE-GRIER, (print or type your name) am a party in this case and cannot afford an attorney. I ask the Court to request *pro bono* counsel to represent me in this action. **I understand that even if the Court grants this application, I will receive *pro bono* counsel only if an attorney through Court's *Pro Bono* Program volunteers to take my case and that there is no guarantee that an attorney will volunteer to represent me.**

1. In support of my application, I provide the following information: (Use additional paper if necessary.)

A. Have you asked the Court to request *pro bono* counsel in this case before? If yes, when were your prior applications filed and what has changed in the status of your case since you last asked the Court to request *pro bono* counsel?
No, I have not.

B. Requests for *pro bono* counsel are rarely granted at the early stages of a case and usually not before the Court has issued a decision on the merits of the case. What has happened in your case that demonstrates the potential merit of your case?
I do not have the training to put together merits of the case without an attorney.
I paid an attorney who took my money and removed himself from my case.
I asked the previous attorney to present my case in another legal manner, he refused.
I sought other *pro bono* attorneys, to no avail.
This is an Estoppel case and requires an attorney before any other case merits can be presented.

- C. Explain why you need an attorney in this case.
I am not formally trained to represent myself in this case.

The charges of Estoppel are charges that I no nothing about and do not know how to defend myself against the Department of Education.

- D. Explain what steps you have taken to find an attorney and with what results.
(Please identify the lawyers, law firms or legal clinics you have contacted and their responses to your requests. If you have limited access to the telephone, mail, or other communication methods, or if you otherwise have had difficulty contacting attorneys, please explain.)

I have contacted the Legal Referral Service, to no avail.

I have contacted organizations that represent the under represented, to no avail.

I have contacted law schools

I sought legal representation during the answer and question session for Legal Help Day in May 2012, to no avail. (See the attached sheet of legal assistance I sought.)

- E. If you need an attorney who speaks a language other than English, state what language(s) you speak:
I speak English.

2. In further support of my application, I declare that (check appropriate box):

☐ I have previously filed a Request to Proceed *In Forma Pauperis* in this case, and it is a true and correct representation of my current financial status.

☒ I have not previously filed a Request to Proceed *In Forma Pauperis* in this case, and now attach an original Request to Proceed *In Forma Pauperis* detailing my financial status.

☐ I have previously filed a Request to Proceed *In Forma Pauperis* in this case, however, my financial status has changed. I have attached another Request to Proceed *In Forma Pauperis* showing my current financial status.

3. I understand that if an attorney volunteers to represent me and that attorney learns that I can afford to pay for an attorney, the attorney may give this information to the Court.
4. I understand that if my answers on this application are false, my case may be dismissed.
5. I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 18, 2012


Signature

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHERYL WHITE-GRIER

(In the space above enter the full name(s) of the petitioner(s).)

Civ. 1:11/8 (142) (JGK)

-against-

**APPLICATION FOR THE COURT
TO REQUEST COUNSEL
PURSUANT TO 18 U.S.C. § 3006A(g)**

THE DEPARTMENT OF EDUCATION OF THE CITY OF NEW YORK,

a/k/a THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK

(In the space above enter the full name(s) of the defendant(s)/respondent(s).)

I, CHERYL WHITE-GRIER, (print or type your name) am a party in this case and am unable to afford the services of an attorney. I hereby request the Court to grant my request for counsel to represent me in this proceedings.

1. In support of my application, I provide the following information:

A. Explain why you feel you need a lawyer in this case. (Use additional paper if necessary)

I am not an attorney with the necessary legal training needed to adequately defend myself.

B. Explain what steps you have taken to find an attorney and with what results. (Use additional paper if necessary)

I hired an attorney who took my money, removed himself. I also sought other attorneys to no avail.

C. If you need a lawyer who speaks in a language other than English, state what language you speak:
I speak English.

2. In further support of my application, I declare that (check appropriate box):

☐

I have previously filed a Request to Proceed *In Forma Pauperis* application in this proceeding, and it is a true and correct representation of my current financial status.

☒

I have not previously filed a Request to Proceed *In Forma Pauperis* in this proceeding, and now attach an original Request to Proceed *In Forma Pauperis* application detailing my financial status.

☐

I have previously filed a Request to Proceed *In Forma Pauperis* application in this proceeding, however, my financial status has changed. I have attached another Request to Proceed *In Forma Pauperis* application showing my current financial status.

3. I understand that if a lawyer volunteers to represent me and that lawyer learns that I can afford to pay for a lawyer, the lawyer may give this information to the Court.

4. I understand that if my answers on this application are false, my case may be dismissed.

5. I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 18, 2012

M. C. White
Signature

1.	4/19/2012	Derek Smith	30 Broad Street, 35th Floor, New York, New York 10004 Tel: 1-877-4NYLAWS • (877) 469-5297	Cannot afford this attorney	dtslaws@msn.com
2.	4/19/2012	D. Andrew Marshall	347-834-8288 212- 514- 8288 (212) 571-3030 225 Broadway New York, NY 10007 Neighborhood: Financial District	Did not respond	www.yelp.com/biz/d-andrew- marshall-new-york -
3.	4/20/2012	Robert Davis	212-477-4777 (Currently listed in Civil Law) Robert B Davis Attorney 233 Broadway - Suite 2704 New York, NY 10279 Phone: Robert B Davis Attorney New York ...	Does not handle my kind of case.	www.localnewyorkattorneys.co m/Robert-B-Davis-Attorney
4.	4/23/2012	David Cellura	212-233-2910 <u>Cellura Davin P Atty -</u> <u>Midtown East - New York,</u> <u>NY</u> (212) 603-6524 - 875 3rd Avenue, New York, NY 10022 White Plains bankruptcy lawyer Michael H. Schwartz is the largest filer of bankruptcy cases for people living in Westchester and Rockland Counties.	Does not handle my kind of case.	www.yelp.com/biz/cellura- davin-p-atty-new-york -

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5.	4/23/2012	Cardozo Law Firm/ Dan Silverman	718-237-8693	Does not handle my kind of case.	dan@silvermansilverman.com
6.	4/24/2012	Nat'l Organization for Women	212-627-9895	Does not handle my kind of case.	
7.	4/24/2012	Kevin Mintzer/Leia	718-420-6138	Does not handle my kind of case.	
8.	4/25/2012	NAACP Legal Defense	National Headquarters. NAACP Legal Defense and Educational Fund, Inc. 99 Hudson Street, Suite 1600 New York, NY 10013 (212) 965-2200.	Does not handle my kind of case.	www.naacpldf.org/contact-us
9.	4/25/2012	NY Law School	212-431-2100	Does not handle my kind of case.	www.nyls.edu
10.	4/26/2012	Legal Referral Service	Association of the Bar of the City of New York 42 West 44 Street New York, NY 10036 212-626-7373	Does not handle my kind of case.	www.abcnyc.org
11.	4/27/2012	Brooklyn Public Law	718-625-2200	Does not handle my kind of case.	www.brooklaw.edu
12.	4/27/2012	Work Place	212-417-3838	Does not handle my kind of case.	
13.	4/30/2012	Laurie Beck/CUNY City Law	718-340-4204, 718-340-4300	Does not handle my kind of case.	www.cuny.edu
14.	5/1/2012	CUNY City Law	718-340-4204, 718-340-4300	Does not handle my kind of case.	www.cuny.edu
15.	5/1/2012	Intake U.S. District South Court	212-805-0177	Could not get information	No website
16.	5/2/2012	NY Public Law	212-244-4664	Does not handle my kind of case.	www.volunteermatch.org

212 805 7912

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17.	5/2/2012	Human Rights First	212-845-5200	Does not handle my kind of case. (Asylum cases)	www.humanrightsfirst.org
18.	5/3/2012	Pro Bono Lawyer	212-244-4664	Does not handle my kind of case.	www.probono.net
19.	5/3/2012	Columbia SIPA: Faculty Barbara Nunberg SIPA Faculty. Barbara Nunberg International Affairs Building, Room 818 Professor of Professional Practice in International and Public Affairs Phone: 212-854-0535	212-854-0535 SIPA Faculty. Barbara Nunberg International Affairs Building, Room 818 Professor of Professional Practice in International and Public Affairs.	Does not handle my kind of case.	www.sipa.columbia.edu
20.	5/4/2012	NY Lawyers for the Public Interest	212-626-7373	Does not handle my kind of case.	www.nyipi.org
21.	5/4/2012	Legal Day Free Legal Assistance	No number IN front of 60 Center Street	Does not handle my kind of case.	No website
22.	5/7/2012	Linda Bridgers	917-612-1554	Does not handle my kind of case.	
23.	5/7/2012	PROBONO.NET	(212) 760-2554	Does not handle my kind of case. Referred me www.lawhelp.org	probono.net
24.	5/8/2012	Bklyn Bar Association Pro Bono Project	123 Remsen St Brooklyn, NY 11201 (718) 624-3894	Does not handle my kind of case. Call Tues, Weds, Thurs Area of law: Consumer, Debt/Credit/Bankruptcy, Elder Law, Family & Juvenile, Foreclosure, HIV/AIDS, Housing	www.yelp.com/biz
25.	5/8/2012	SHIELD (Self-Help Information, Education and Legal Defense)	(212) 626-7383 Hours: Monday - Friday, 9:00 AM - 12:30 PM	Does not handle case, but referred me to libraries.	http://www.newyorkcity.feb.gov/advocacy.htm

26. 121 6th Ave New York, NY
10013-1510 Phone: 212-941-9090 ext. 233 Fax: 212-941-0714
5/9/2012 The Door Services Center Does not handle my kind of case. (Young People! www.probono.net
27. 100 Church Street, Suite
819 New York, NY 10007
Phone: (646) 827-9393 Fax: (646) 845-7464
5/9/2012 STAN WEBER Left message. Does not handle my kind of case. www.legalhandle.com/pro-bono-attorneys-New-York.html
28. (718) 575-4300
6/13/2012 CUNY Law School Did not answer phone www.law.cuny.edu
29. Office 60 Bay Street Staten
Island, NY 10301 (718) 273-6677 (718) 442-2679 (fax)
6/15/2012 Staten Island The Legal Aid Society Staten Island Neighborhood Does not handle my case and referred me to Legal Referral. www.legal-aid.org

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212.805.7912

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CWG

2012-06-18 19:56